

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

SHEILA MOSER,)
)
 Plaintiff,)
 v.) No.
)
 HEALTHCARE THERAPY SERVICES, INC.)
)
 Defendant.)
)

NOTICE OF REMOVAL

Healthcare Therapy Services, Inc. (Defendant), through its attorneys, Paige M. Neel, Daniel L. Polsby and Clausen Miller P.C., files its Notice of Removal of this action from the Allen Superior Court to the United States District Court for the Northern District of Indiana, Fort Wayne Division, pursuant to 28 USC § 1446.

1. Sheila Moser (Plaintiff) filed suit against Defendant in the Allen Superior Court on August 3, 2022. The suit alleges violation of the Americans with Disabilities Act, 42 U.S.C.S. § 12131, *et seq.* (LexisNexis 2022). (Ex. 1, Complaint and summons) Plaintiff's complaint makes no allegations under state law.

2. Service of the complaint was effectuated upon Defendant at earliest on August 4, 2022, the date of issuance of the summons by the Allen County Clerk. Defendant timely filed its notice of removal. pursuant to 28 U.S.C. § 1446 (b), within 30 days thereafter.

3. Plaintiff has invoked this Court's federal question jurisdiction by filing a lawsuit in state court alleging violation of the ADA. "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331 (LexisNexis 2022).

4. Pursuant to the allegations in the complaint, Plaintiff filed a civil action arising under the laws of the United States. Specifically, Plaintiffs' complaint requests monetary damages for alleged violation of the ADA.

5. This Court has jurisdiction over this action pursuant to the provisions of 28 U.S.C. §1331 because Plaintiffs alleged violation of the ADA.

6. Venue is proper pursuant to 28 U.S.C. §1441(a). Because this action was originally filed in the Allen Superior Court, the United States District Court for the Northern District of Indiana, Fort Wayne Division, is the district and division embracing the place where such action is pending.

7. Promptly after filing this Notice of Removal, Defendant will give written notice to Plaintiff and will file a copy of the notice with the Clerk of the Allen Superior Court.

Defendant respectfully requests that the above described cause of action pending in the Allen Superior Court be removed to the United States District Court for the Northern District of Indiana, Fort Wayne Division, and that this cause proceed in this Court.

/s/Daniel L. Polsby

CLAUSEN MILLER P.C.

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CERTIFICATE OF SERVICE AND NOTICE OF ELECTRONIC FILING

The undersigned hereby certifies that a true and correct copy of Defendant Healthcare Therapy Services, Inc.'s Notice of Removal was electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system, which will send such filing via electronic delivery to attorneys of record on September 2, 2022.

/s/Daniel L. Polsby

CLAUSEN MILLER P.C.